

REFERENCE TITLE: aggravated assault; suffocation and strangulation

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1164**

Introduced by  
Senators Martin: Gould; Representatives Konopnicki, Yarbrough

AN ACT

AMENDING SECTION 13-1204, ARIZONA REVISED STATUTES; RELATING TO ASSAULT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 13-1204, Arizona Revised Statutes, is amended to  
3 read:

4           13-1204. Aggravated assault; classification; definition

5       A. A person commits aggravated assault if the person commits assault  
6 as defined in section 13-1203 under any of the following circumstances:

7           1. If the person causes serious physical injury to another.

8           2. If the person uses a deadly weapon or dangerous instrument.

9           3. If the person commits the assault after entering the private home  
10 of another with the intent to commit the assault.

11          4. If the person is eighteen years of age or older and commits the  
12 assault upon a child the age of fifteen years or under.

13          5. If the person commits the assault knowing or having reason to know  
14 that the victim is a peace officer, or a person summoned and directed by the  
15 officer while engaged in the execution of any official duties.

16          6. If the person knowingly takes or attempts to exercise control over  
17 a peace officer's or other officer's firearm and the person knows or has  
18 reason to know that the victim is a peace officer or other officer employed  
19 by one of the agencies listed in paragraph 10, subdivision (a), item (i),  
20 (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution  
21 of any official duties.

22          7. If the person knowingly takes or attempts to exercise control over  
23 any weapon other than a firearm that is being used by a peace officer or  
24 other officer or that the officer is attempting to use, and the person knows  
25 or has reason to know that the victim is a peace officer or other officer  
26 employed by one of the agencies listed in paragraph 10, subdivision (a), item  
27 (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution  
28 of any official duties.

29          8. If the person knowingly takes or attempts to exercise control over  
30 any implement that is being used by a peace officer or other officer or that  
31 the officer is attempting to use, and the person knows or has reason to know  
32 that the victim is a peace officer or other officer employed by one of the  
33 agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv)  
34 or (v) of this subsection and is engaged in the execution of any official  
35 duties. For the purposes of this paragraph, "implement" means an object that  
36 is designed for or that is capable of restraining or injuring an individual.  
37 Implement does not include handcuffs.

38          9. If the person commits the assault knowing or having reason to know  
39 that the victim is a teacher or other person employed by any school and the  
40 teacher or other employee is upon the grounds of a school or grounds adjacent  
41 to the school or is in any part of a building or vehicle used for school  
42 purposes, any teacher or school nurse visiting a private home in the course  
43 of the teacher's or nurse's professional duties or any teacher engaged in any  
44 authorized and organized classroom activity held on other than school  
45 grounds.

1       10. If the person meets both of the following conditions:

2           (a) Is imprisoned or otherwise subject to the custody of any of the  
3 following:

4              (i) The state department of corrections.

5              (ii) The department of juvenile corrections.

6              (iii) A law enforcement agency.

7              (iv) A county or city jail or an adult or juvenile detention facility  
8 of a city or county.

9              (v) Any other entity that is contracting with the state department of  
10 corrections, the department of juvenile corrections, a law enforcement  
11 agency, another state, any private correctional facility, a county, a city or  
12 the federal bureau of prisons or other federal agency that has responsibility  
13 for sentenced or unsentenced prisoners.

14           (b) Commits an assault knowing or having reason to know that the  
15 victim is acting in an official capacity as an employee of any of the  
16 entities prescribed by subdivision (a) of this paragraph.

17       11. If the person commits the assault while the victim is bound or  
18 otherwise physically restrained or while the victim's capacity to resist is  
19 substantially impaired.

20       12. If the person commits the assault knowing or having reason to know  
21 that the victim is a fire fighter, fire investigator, fire inspector,  
22 emergency medical technician or paramedic engaged in the execution of any  
23 official duties, or a person summoned and directed by such individual while  
24 engaged in the execution of any official duties.

25       13. If the person commits the assault knowing or having reason to know  
26 that the victim is a licensed health care practitioner who is certified or  
27 licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a person summoned  
28 and directed by the licensed health care practitioner while engaged in the  
29 person's professional duties. ~~The provisions of~~ This paragraph ~~do~~ DOES not  
30 apply if the person who commits the assault is seriously mentally ill, as  
31 defined in section 36-550, or is afflicted with Alzheimer's disease or  
32 related dementia.

33       14. If the person commits assault by any means of force ~~which~~ THAT  
34 causes temporary but substantial disfigurement, temporary but substantial  
35 loss or impairment of any body organ or part or a fracture of any body part.

36       15. If the person commits assault as prescribed by section 13-1203,  
37 subsection A, paragraph 1 or 3 and the person is in violation of an order of  
38 protection issued against the person pursuant to section 13-3602 or 13-3624.

39       16. If the person commits the assault knowing or having reason to know  
40 that the victim is a prosecutor.

41       17. IF THE PERSON COMMITS THE ASSAULT BY ENGAGING IN CONDUCT THAT  
42 IMPEDES NORMAL BREATHING OR CIRCULATION OF THE BLOOD BY THE APPLICATION OF  
43 PRESSURE ON ANOTHER PERSON'S THROAT OR NECK.

1       18. IF THE PERSON COMMITS THE ASSAULT BY ENGAGING IN CONDUCT THAT  
2 IMPEDES NORMAL BREATHING BY THE BLOCKING OF THE NOSE OR MOUTH OF ANOTHER  
3 PERSON BY ANY MEANS.

4       B. Except pursuant to subsections C and D of this section, aggravated  
5 assault pursuant to subsection A, paragraph 1, 2 or 6 of this section is a  
6 class 3 felony except if the victim is under fifteen years of age in which  
7 case it is a class 2 felony punishable pursuant to section 13-604.01.  
8 AGGRAVATED ASSAULT PURSUANT TO SUBSECTION A, PARAGRAPH 17 OR 18 OF THIS  
9 SECTION IS A CLASS 4 FELONY EXCEPT IF THE VICTIM IS UNDER FIFTEEN YEARS OF  
10 AGE IN WHICH CASE IT IS A CLASS 3 FELONY PUNISHABLE PURSUANT TO SECTION  
11 13-604.01. Aggravated assault pursuant to subsection A, paragraph 14 of this  
12 section is a class 4 felony. Aggravated assault pursuant to subsection A,  
13 paragraph 7 or 10 of this section is a class 5 felony. Aggravated assault  
14 pursuant to subsection A, paragraph 3, 4, 5, 8, 9, 11, 12, 13, 15 or 16 of  
15 this section is a class 6 felony.

16     C. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of  
17 this section committed on a peace officer while the officer is engaged in the  
18 execution of any official duties is a class 2 felony. Aggravated assault  
19 pursuant to subsection A, paragraph 14 of this section committed on a peace  
20 officer while the officer is engaged in the execution of any official duties  
21 is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph  
22 5 of this section resulting in any physical injury to a peace officer while  
23 the officer is engaged in the execution of any official duties is a class 5  
24 felony.

25     D. Aggravated assault pursuant to:

26       1. Subsection A, paragraph 1 or 2 of this section is a class 2 felony  
27 if committed on a prosecutor.

28       2. Subsection A, paragraph 14 of this section is a class 3 felony if  
29 committed on a prosecutor.

30       3. Subsection A, paragraph 16 of this section is a class 5 felony if  
31 the assault results in a physical injury to a prosecutor.

32     E. For the purposes of this section, "prosecutor" means a county  
33 attorney, a municipal prosecutor or the attorney general and includes an  
34 assistant or deputy county attorney, municipal prosecutor or attorney  
35 general.